

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****49 CFR Part 1011**

[Docket No. EP 709]

Policy Statement on Grant Stamp Procedure in Routine Director Orders**AGENCY:** Surface Transportation Board, DOT.**ACTION:** Statement of Board Policy.

SUMMARY: The Surface Transportation Board (STB or Board) is issuing this policy statement to inform the public that, beginning on December 15, 2011, the Board will implement a grant stamp procedure for certain decisions issued by the Director of the Office of Proceedings (Director). The grant stamp will be used for decisions in uncontested, routine procedural matters delegated to the Director when no further explanation or discussion is necessary. This procedure is designed to better serve the public, to streamline Board processes, and to remove uncertainty.

DATES: *Effective Date:* This policy statement is effective on December 15, 2011.

FOR FURTHER INFORMATION CONTACT: Amy C. Ziehm, (202) 245-0391. Assistance for the hearing impaired is

available through the Federal Information Relay Service (FIRS) at 1-(800) 877-8339.

SUPPLEMENTARY INFORMATION:

In this Policy Statement, the Board informs the public that, beginning December 15, 2011, a grant stamp procedure will be used for certain Director Orders.¹ This Policy Statement explains the limited purpose and intended use of the grant stamp.

Pursuant to 49 CFR 1011.6 and 1011.7, the STB and the Chairman of the STB have delegated to the Director authority to issue decisions addressing many routine procedural matters in proceedings before the Board. In many of these decisions, all parties to the proceeding concur in the relief sought and very little, if anything, in the way of further discussion is required by the Director. Therefore, the Director will begin using the grant stamp procedure in these routine, unopposed matters. For example, the Director could grant with a grant stamp unopposed motions for an extension of time or requests for a procedural schedule to which all parties have consented.

The procedure will be as follows: The Director will affix the grant stamp to the pleading that is filed with the Board. The stamp will be in a format similar to the sample shown in the Appendix to this decision. It will contain information such as the agency seal, the decided

date, the service date, a decision identification number, and a signature line for the Director. The stamp will also have an area for any notation that needs to be made regarding the decision. The stamp will not include the docket number, as that information should already be included on the pleading. The pleading with the stamp affixed will be served as a Director Order.

The purpose of initiating a grant stamp procedure is to increase the efficiency with which the Director can issue these decisions. Use of a grant stamp would eliminate the time it takes to draft a decision and would allow for quicker responses to stakeholders, thereby removing the uncertainty that Board stakeholders might encounter as they wait for the Board to draft and serve these Director Orders. This procedure will allow for more efficient use of Board resources.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: November 7, 2011.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey.

Jeffrey Herzig,
Clearance Clerk.

Appendix

 GRANTED Office of Proceedings	DECISION ID NO.: _____
	DECIDED DATE: _____
	SERVICE DATE: _____
	APPROVED: <u>SAMPLE</u>
	☐ _____ Director

¹ At this time, this policy will apply only to decisions of the Director of the Office of

Proceedings, not to decisions of other Office Directors or other Board employees.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126521-0640-02]

RIN 0648-XA820

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; apportionment of reserves; request for comments.

SUMMARY: NMFS apportions amounts of the non-specified reserve to the initial total allowable catch of Pacific ocean perch in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area. This action is necessary to allow fishing operations to continue. It is intended to promote the goals and objectives of the fishery management plan for the Bering Sea and Aleutian Islands management area.

DATES: Effective November 9, 2011 through 2400 hrs, Alaska local time, December 31, 2011. Comments must be received at the following address no later than 4:30 p.m., Alaska local time, November 25, 2011.

ADDRESSES: You may submit comments on this document, identified NOAA-NMFS-2011-0244, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal <http://www.regulations.gov>. To submit comments via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter NOAA-NMFS-2011-0244 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the "Submit a Comment" icon on that line.

- **Mail:** Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

- **Fax:** Address written comments to Glenn Merrill, Assistant Regional

Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Fax comments to (907) 586-7557.

- **Hand delivery to the Federal Building:** Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Deliver comments to 709 West 9th Street, Room 420A, Juneau, AK.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on <http://www.regulations.gov> without change. All personal identifying information (e.g., name, address) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, (907) 586-7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands (BSAI) exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2011 initial total allowable catch (ITAC) of Pacific ocean perch in the Bering Sea subarea was established as 4,854 metric tons (mt) by the final 2011 and 2012 harvest specifications for groundfish of the BSAI (76 FR 11139, March 1, 2011). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITAC for Pacific ocean perch in the Bering Sea subarea

needs to be supplemented from the non-specified reserve in order to promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportions from the non-specified reserve of groundfish 856 mt to the Pacific ocean perch ITAC in the Bering Sea subarea. This apportionment is consistent with § 679.20(b)(1)(i) and does not result in overfishing of a target species because the revised ITAC is equal to or less than the specifications of the acceptable biological catch in the final 2011 and 2012 harvest specifications for groundfish in the BSAI (76 FR 11139, March 1, 2011).

The harvest specification for the 2011 Pacific ocean perch ITAC included in the harvest specifications for groundfish in the BSAI is revised as follows: 5,710 mt for Pacific ocean perch in the Bering Sea subarea.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.20(b)(3)(iii)(A) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the apportionment of the non-specified reserves of groundfish to the Pacific ocean perch fishery in the Bering Sea subarea. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet and processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 8, 2011.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.